

DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

JUSTIFICATION STATEMENT

Public Transportation Emergency Relief Program

(OMB Control No. 2132-0575)

This justification statement is associated with a request for a renewal without change to an existing information collection.

1. Circumstances that make the collection of information necessary.

The FTA Public Transportation Emergency Relief (ER) Program was authorized by Congress in 2012 under the Moving Ahead for Progress in the 21st Century Act (MAP-21). Under the ER Program (49 U.S.C. 5324), States and public transportation systems receive funding for protecting, repairing, and/or replacing equipment and facilities that may suffer or have suffered serious damage as a result of an emergency, including natural disasters such as floods, hurricanes, and tornadoes. Eligible activities include capital projects to protect, repair, reconstruct, or replace public transportation equipment and facilities in danger of or having incurred serious damage as a result of an emergency. Operating costs related to evacuation, rescue operations, temporary public transportation service; and reestablishing, expanding or relocating public transportation route service before, during, or after an emergency are also eligible activities. These eligible activities also extend to tribal lands.

Under MAP-21, transit systems affected by a disaster may also utilize funds apportioned under the Urbanized Area Formula Program (49 U.S.C. 5307) or the Formula Grants for Rural Area Program (49 U.S.C. 5311) under the terms of the ER Program.

2. How, by whom, and for what purpose the information will be used.

Although initially authorized by Congress in 2012 under the Moving Ahead for Progress in the 21st Century Act (MAP-21) in the aftermath of Hurricane Sandy, the ER program allows FTA, subject to the availability of appropriations, to make grants for eligible public transportation capital and operating costs in the event of a catastrophic event, such as a natural disaster, that affects a wide area, as a result of which the Governor of a State has declared an emergency and the Secretary of Transportation has concurred, or the President has declared a major disaster.

In response to Hurricane Sandy, 12 States and the District of Columbia became eligible for financial assistance under FTA's Public Transportation Emergency Relief Program. To date, FTA has allocated 10.088 billion in Emergency Relief funds. Of that amount, \$5,196,184,125 has been allocated for emergency response, recovery, and rebuilding projects and \$4,891,883,625 has been allocated for resilience projects, which are designed to protect transit

systems in the Hurricane Sandy disaster area from damages associated with future storms. As of July 5, 2016, FTA has now fully allocated all of the funding made available under the Disaster Relief Appropriations Act of 2013. Examples of projects that have received funding include:

- The New York Metropolitan Transportation Authority (MTA) received approximately \$1.6 billion to make flood protections at multiple street-level openings throughout the subway system, rail yards, substations, critical support facilities and underground equipment; tunnel portals used by the Long Island Railroad and Amtrak; and Rockaway Line stations; upgrade an emergency management communication system; flood proof communications and signal rooms at key subway stations; upgrade water pumping capacity; and flood proof four bus depots.
- New Jersey Transit received approximately \$1.3 billion to reduce the risk of flooding to Hoboken rail yard and the city by filling a deteriorated inlet inside the rail yard; construct a rail storage and re-inspection facility located outside the floodplain that could be used to safely store vehicles in an emergency; and replace the aged and deteriorated Raritan River Drawbridge damaged by Hurricane Sandy with a new bridge that is less vulnerable to storm surge and flooding.
- The Southeastern Pennsylvania Transportation Authority (SEPTA) received approximately \$86.7 million to build an alternate system control center to ensure continuity of operations in case a major storm knocks out the system's central control facility; stabilize the slopes of several commuter railroad embankments to reduce the risk of rockfall or landslides after severe rainfall; and improve flood protection to protect commuter rail lines.
- The Massachusetts Bay Transportation Authority (MBTA) received approximately \$35 million to raise a retaining wall and install watertight barriers at MBTA's Green Line Fenway Portal to reduce flooding; and repair and improve a deteriorated seawall.

The Federal Transit Administration (FTA) provides financial assistance to States, local governmental authorities, Indian tribes, and other FTA recipients affected by an emergency or major disaster for emergency recovery and relief. The information collected under this program is structured to comply with federal mandates. The reporting requirements are submitted by recipients in two stages, the application and project management stages.

The reports are submitted to FTA's Program Office, usually within an FTA Regional Office, to determine the applicant's eligibility for funding and, subsequently, the grantee's progress in implementing and completing project activities. The reports assure FTA of a level of management of risks and ensure an appropriate allocation of program funds to applicants affected by an emergency or major disaster. Also, the information submitted ensures FTA's compliance with applicable federal laws and the Common Grant Rule. In addition, without these reports, significant resources and manpower would be necessary to conduct on-site inspections.

Application Stage:

FTA must determine the applicant's eligibility to receive program funds. FTA must know: a) who the applicant is; b) for what purpose the funds are requested; and c) the amount of federal funds requested or needed. Applicants must submit:

a. Authorizing Resolution. As required by 49 U.S.C. 1602 (a)(2)(A), this information is necessary to assure FTA that the individuals involved represent the organization seeking federal assistance and are empowered to enter into contracts on the organization's behalf.

b. Opinion of Counsel. Also required by 49 U.S.C. 1602(a)(2)(A) to ensure that the applicant has the legal capacity to carry out the project and that there is no outstanding litigation that would encumber the federal government upon project approval.

In addition, each application must include:

c. Project Budget. FTA must know how much federal financial assistance is required, the amount and sources of local funds available for this project, and the specific elements and associated costs for each.

d. Project Description. Public Transportation Emergency Relief Grants are limited to specific categories of transit projects. The project description enables FTA to determine whether funding of the proposed project is allowable under federal transit law and the Common Grant Rule.

e. Project Milestone Schedule. This document consists of milestone dates for major activities and an overall project completion date. Milestone dates are provided for such events as bid advertisement, bid award, and contract completion.

f. List of Labor Unions. This document is used by the Department of Labor in making the certification of labor protective arrangements required for grants funded under Section 5324 in statutory language at Title 49 U.S.C. at Section 5333(b).

g. Environmental Exhibit. This documentation includes a proposed classification of each activity line item in accordance with the Federal Highway Administration (FHWA)/FTA Environmental Impact and Related Procedures, as required by 23 C.F.R. Parts 771.115 and 771.117. Many projects meet the criteria for a categorical exclusion. For each of these projects, proposed classifications and supporting documentation must be submitted. For those projects that do not meet the criteria for a categorical exclusion, an Environmental Assessment or Environmental Impact Statement may need to be submitted as required by the National Environmental Policy Act.

h. Project Management Plan. As required by 49 U.S.C. Section 5327(a), grantees must prepare and submit a project management plan to FTA for major projects (generally, those projects with a total cost of more than \$100 million). These plans explicitly define all tasks necessary to implement a major capital project. Each plan must include a description of adequate recipient staff organization; a budget; a construction schedule; a document control procedure and recordkeeping system; change order procedures; a description of organizational structures, management skills, and staffing level required for construction phase, quality control and assurance programs, material testing policies and procedures; plan for internal reporting requirements, and procedures for testing an operational system or its major component.

i. Annual Certifications and Assurances. Before FTA may award a federal grant, the applicant must provide FTA with all certifications and assurances required by federal laws and regulations for the applicant or project. A grant applicant must sign the appropriate certifications and assurances each year for all anticipated grant applications during that particular fiscal year. This annual certification process replaces individual certifications and assurances that grantees used in the past when submitting each grant application or periodically when warranted by specific circumstances.

j. Damage Assessment. States, local governmental authorities, Indian tribes, and other recipients of Federal Transit funds are required to submit a damage assessment to FTA to receive FTA disaster assistance. Under 49 U.S.C. Section 5324, a finding must be reached by the Secretary of Transportation that the damage is sufficiently serious to warrant federal funding for repairs. In order to make this determination, the Secretary relies on the information provided in the recipient's application for disaster assistance. FTA's authority and responsibility to prescribe policies and procedures for the proper submission of information necessary to allow this determination is established at 49 U.S.C. Section 5334.

Project Management Stage:

The reporting requirements under this stage are necessary to ensure the proper and timely expenditure of federal funds within the scope of the approved project. The requirements comply with the Common Grant Rule and are contained in FTA Circular 5010.1C, and also may be included in sections of the grant contract. All the items below are included in either the FFR or MPR. These reporting requirements are:

a. Quarterly Milestone/Progress Reports (MPR). These narrative reports define the level of activity for each project element during the reporting period. Delays, problems, and milestone achievements are reported to FTA. The reports greatly reduce the need for on-site visits by staff.

b. Cost Allocation Plan. These narrative reports are required of State or local agencies desiring reimbursement for indirect administrative expenses incurred in connection with a capital grant. The Cost Allocation Plan is necessary to properly determine those indirect costs attributable to capital grants.

c. Quarterly Federal Financial Reports (FFRs). These quantitative reports provide a financial picture of project activity. The reports include information regarding obligations, payments, receipts, and other pertinent financial data required to ensure proper expenditure of federal funds.

d. Reports of Significant Events. Unforeseen events that impact the schedule, cost, capacity, usefulness or purpose of the project should be reported to FTA immediately after detection and then reflected in the next quarterly progress report.

e. Pre-award and Post-delivery Rolling Stock Reviews. The reviews are required to be performed by FTA grantees purchasing rolling stock. These reviews are intended to ensure compliance with various requirements, such as Buy America, and to detect any vehicle defects while the vehicle is under warranty. Grantees certify compliance with the review requirements under the implementing rule that was published in September 1991.

f. Project Management Plan Updates. As major construction projects progress, the original project management plans need revisions and updates. Updates must include project budget; project schedule; financing, both capital and operating; ridership estimates, including operating plan; and, when appropriate, the status of local efforts to enhance ridership when estimates are contingent, in part, upon the success of such efforts to be made.

This information collection satisfies the environmental goal in the Departmental Strategic Plan.

3. Consideration of improved information technology to reduce burden.

FTA's electronic grant making and management system is a paperless, electronic grant application, review, approval, acceptance and management process. It is anticipated that 100 percent of applications received under this program will be submitted electronically. FTA also anticipates that approximately 100 percent of the periodic reports that grantees are required to submit will be submitted electronically. Grantees are also encouraged to use the electronic system for signature of annual certifications and assurances.

FTA anticipates that 100% of the damage assessments (included with the application stage) and used to assess an applicant's need for emergency relief funds, will be submitted using the government-wide Web site GRANTS.GOV.

4. Describe efforts to identify duplication.

The reports are project specific and the information is not available elsewhere. There is no duplication.

5. Efforts to minimize the burden on small businesses or other small entities.

The information collected does not involve small businesses. However, grantees reporting from smaller urbanized areas (urbanized areas with populations of less than 200,000) are allowed to submit Milestone Progress Reports and Federal Financial Reports on an annual basis rather than on the quarterly basis formerly required.

6. Consequences to federal programs or policy activities if information was not collected or collected less frequently.

Damage assessments are submitted only once in response to an emergency or major disaster. FTA could not approve the payment of Emergency Relief funds to recipients based on a less frequent collection of this information.

If Milestone Progress Reports, Federal Financial Reports and other reports were required less frequently, additional site visits by agency staff would be required to ensure compliance with program objectives.

7. Special circumstances that require the collection to be conducted in a manner inconsistent with 5 CFR 1320.6.

The information collected is consistent with the guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency to obtain their views.

A 60-day Federal Register notice was published on April 5, 2016 Vol. 81, FR. 19711, soliciting comments prior to the submission of this information collection to the Office of Management and budget (OMB). No comments were received from that notice. A 30-day Federal Register notice was published on August 2, 2016 Vol. 81, FR. 50786.

In addition, FTA has worked with grantees on reporting requirements in shaping its reporting system and offers an opportunity for all grantees to comment on its methodologies. FTA has also sought public comment on guidance and a reference manual published in the fall 2015 entitled, *Emergency Relief Manual: A Reference Manual for States & Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program (49 U.S.C. 5324)*. The manual provides guidance to transit agencies that are planning for, responding to, or recovering from a federally-declared emergency or disaster. The manual describes steps that transit agencies can take to be better prepared prior to an event as well as actions that can be taken post-event in order to receive FTA assistance. It is intended to assist transit agencies by providing program eligibility information and requirements, while describing the process for applying for Emergency Relief Program funding to facilitate transit agencies receiving reimbursement for response, restoration, repair, and resilience actions taken related to the emergency or disaster.

9. Explain payments or gifts to respondents.

No payments or gifts are provided to the respondents.

10. Describe any assurance of confidentiality provided respondents.

There is no assurance of confidentiality regarding these submissions.

11. Justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested and annualized cost to respondents.

Requirements	# Annual submissions	Burden hours per submission	Total burden hours
Application Stage (includes completion of the Supplemental Emergency Relief Form). Also includes the following: Authorizing/Resolution Opinion of Counsel Project Description Project Budget Project Justification Project Milestones List of Labor Unions Environmental Exhibit	20	50	1,000
Damage Assessment	20	50	1,000
Total - Application Stage	20	100	2,000
Project Management Stage	20	80	1,600
Progress Report- Annual			
Reports of Significant Events			
Federal Financial Report			
Pre-award/Post Delivery of Rolling Stock			
Cost Allocation Plans			
Project Management Plan Updates			
Total - Project Management Stage	20	80	1,600
Grand Total, Application and Project Management	40	180	3,600

The total burden associated with this submission is 3,600 hours (2,000 hours application stage + 1,600 hours project management stage).

Estimate of the cost to respondents:

The number and complexity of applications submitted each year will vary and there is a wide variance in the level of effort required. The figures below include both the application for funding and the damage assessment, and are representative of a straightforward application meeting all of the criteria for federal funding.

FTA estimates that it takes approximately 100 personnl-hours to develop and submit an application to FTA for review. Since FTA anticipates receiving approximately 20 applications per year during a declared emergency, the total hours required are estimated to be 2,000 (100 hours x 20 applications = 2,000 hours). Although various personnel are involved in the development of an application, the average salary is estimated to be \$34 per hour. Therefore, the cost to the respondents for the application stage is computed at \$68,000 (2,000 hours x \$34 per hour = \$68,000).

FTA will offer its resources for emergencies in which the damage is especially severe and widespread. On average, it is estimated to require approximately 100 hours of professional staff time.

The average respondent's salaries associated with these burden hours are calculated as follows:

Professional staff time:	2,000 hours @ \$34/hour =	\$ 68,000
		Total = \$ 68,000

Staff time devoted to the preparation of federal financial reports, milestone reports and other project management reports takes approximately 8 hours at an average salary of \$34 per hour or \$272 per report. There are 20 reports submitted annually; therefore, the cost for the project management stage is estimated to be \$54,440 (20 reports x \$272 = \$54,440).

The total cost for the application and project management stages is **\$73,440** (\$68,000 application stage + \$54,440 project management stage).

13. Estimate of the total annual recordkeeping/reporting cost burden to the respondents.

There is no additional cost beyond that shown in items 12 and 14.

14. Estimate of cost to the federal government.

The cost is calculated as follows:

Application Stage:

It will take approximately 19 person-hours to review each application received by FTA. It should be noted that this figure assumes that the application is: 1) complete,

2) fundable and 3) non-controversial. More complex projects or programs of projects would consume additional time.

Although reviewed by several different staffers, from secretaries to the Administrator, we estimate that the average grade level of the reviewers is GS-12/step 5, paid \$42 per hour according to the 2016 Federal Pay Scale. Since we receive and review approximately 20 applications per year, the cost to the federal government is \$15,960 (19 hours x 20 applications = 380 hours x \$42 = \$15,960).

Project Management Stage:

A review of the project management reports submitted during a year should be completed within 1/2 hour by a GS-13 (average salary, \$44 per hour for 1/2 hour = \$22). There are approximately 20 progress reports and financial reports submitted during a year. The cost to the federal government is \$440 (\$22 x 20 = \$440).

Total cost for application and project management stages is \$16,400 (\$15,960 application stage + \$440 project management stage).

15. Explanation of program changes or adjustments.

There are no changes to this request.

16. Publication of results of data collection.

FTA does not plan to publish the results of the information collected for statistical use.

17. Approval for not displaying the expiration date for OMB approval.

There is no reason not to display the expiration date of OMB approval.

18. Exceptions to the certification statement.

No exceptions are stated.